

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DOCUMENT ELECTRONICALLY FILED

In Re: PAR PHARMACEUTICAL
SECURITIES LITIGATION

This Document Relates To:
ALL ACTIONS.

**Master File No:
2:06-cv-03226 (PGS - ES)**

CLASS ACTION

RETURNABLE December 15, 2008

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11(c)
TO STRIKE ALLEGATIONS FROM THE SECOND COMPLAINT
AND FOR COUNSEL FEES AND COSTS**

PLEASE TAKE NOTICE THAT, on December 15, 2008 at 9:00 a.m., or on a date and time set by the Court, the undersigned attorneys for Defendants Par Pharmaceutical Companies, Inc. ("Par"), Kenneth I. Sawyer ("Sawyer"), and Dennis J. O'Connor ("O'Connor") (collectively, "Defendants") shall move before the Honorable Peter G. Sheridan, U.S.D.J., at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey for an Order pursuant to Federal Rule of Civil Procedure 11(c)(1) for violation of Rule 11(b)(3): (a) to strike allegations in Lead Plaintiffs' ("Plaintiffs") Second Consolidated Amended Complaint ("Second Complaint") contained in Paragraphs 47-62 and 64-66; and (b) for counsel fees and

costs associated with this Motion and Defendants' Motion to Dismiss the Second Complaint filed on September 17, 2008 (the "Rule 11 Motion"). Defendants bring this Motion because Plaintiffs' counsel included allegations in its Second Complaint without a reasonable basis to believe that the allegations were supportable and without conducting a reasonable pre-filing inquiry in violation of Rule 11(b)(3) of the Federal Rules of Civil Procedure and because Plaintiffs' continue to violate Rule 11 by re-submitting their insupportable allegations to the Court in their Opposition to Defendants' Motion to Dismiss filed on October 6, 2008.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants will rely upon the annexed Declaration of Gabrielle Wolfson executed the 14th day of September, 2008, with exhibits thereto, and the accompanying brief.

PLEASE TAKE FURTHER NOTICE that Defendants have submitted a proposed form of order.

PLEASE TAKE FURTHER NOTICE that Defendants hereby request oral argument.

For these reasons and for all the reasons detailed in Defendants' Memorandum of Law in Support of their Rule 11 Motion, and the accompanying Declaration of Gabrielle Wolfson in support thereof, Paragraphs 47 through 62 and 64 through 66 of the Second Complaint should be stricken and Defendants should

be awarded counsel fees and costs associated with this Rule 11 Motion and with their Motion to Dismiss the Second Complaint filed on September 17, 2008.

DATED: November 19, 2008

GREENBERG TRAURIG, LLP

By: /s/ Richard A. Edlin

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**CERTIFICATION OF SERVICE VIA
ELECTRONIC NOTIFICATION**

I, RICHARD A. EDLIN, hereby certify that on November 19, 2008, the Notice of Defendants' Motion Pursuant to Federal Rule of Civil Procedure 11(c) to Strike Allegations from the Second Complaint and for Counsel Fees and Costs, the Declaration of Gabrielle Wolfson with accompanying Exhibit A, and the supporting Memorandum of Law were filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the District's Local Rules on Electronic Service. Parties may access this filing through the court's CM/ECF system. I further certify that the aforementioned documents were served by first-class mail postage prepaid upon the following attorneys of record who are unable to accept electronic filing:

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Dated: November 19, 2008

/s/ Richard A. Edlin
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